

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 2-8, 10-14, 23-29, 31-35 and 43-54 are pending in this application.

**Information Disclosure Statement:**

A partially initialed Form PTO-1449 was returned with the April 6, 2004 Office Action. Cited references JP 60-7128 and “Low Cost  $\pm 2$  g/ $\pm 10$  g Dual Axis iMEMS® Accelerometers with Digital Output” were not initialed on the returned Form PTO-1449. Applicant thus requests correction thereof. For the Examiner’s convenience, Applicant has submitted herewith a copy of the returned Form PTO-1449 as well as additional copies of cited references JP 60-7128 and “Low Cost....”. Applicant respectfully requests that the Examiner fully initial the Form PTO-1449 as an indication that all cited references have been considered and then return the fully initialed Form PTO-1449.

**Allowable Subject Matter:**

Applicant notes with appreciation the indication that claims 7-8, 28-29 and 43-44 are allowable.

**Rejections Under 35 U.S.C. §102:**

Claims 2-6, 10-14, 23-27, 31-35 and 45-54 were rejected under 35 U.S.C. §102 as allegedly being anticipated by Chiang Shiung-Fei (U.S. ‘376, hereinafter “Fei”). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. For example, Fei fails to disclose or even suggest a character control program which moves a character within displayed game space at a movement speed related to at least one of an amount and a direction of a tilt (claims 2 and 23), a movement (claims 3 and 24) or an impact (claims 4 and 25) applied to a housing held by a player so that the character changes position relative to the displayed game space.

Fei discloses a game 10 having a gun 14 which may be moved along a first arc indicated by arrows 42a and 42b and along a second arc indicated by arrows 44a and 44b. A liquid crystal display 50 is mounted on the gun 14. The object of the game is to position a housing 30 of the gun 14 so that images 60a-60d (tanks) move close to the firing zone 76. The game player may destroy an image 60a-60d if the gun's trigger 40 is depressed when that image is close to the firing zone 76. A displayed image 60a-60d may be moved close to the firing zone 76 by moving the display 50 in the direction indicated by arrows 42a-42b or 44a-44b so as to superimpose the displayed image close to the firing zone 76.

Page 3 of Office Action states, *inter alia*, "As presented the display perspective of Fei is altered based on the user's tilting of the game housing (Figures 3 & 4). This change of perspective also referred to by Fei as scrolling in figure nine is understood as responsive to the direction of tilting (resulting in a specific direction of scrolling) and an amount of tilting wherein said amount tilting

is understood as a positive amount or alternatively zero.” The Office Action thus merely alleges that what is changed as a result of the housing movement is the change of perspective or change of view. The entire display is thus moved as a result of moving housing 30.

In marked contrast, the present invention is directed toward moving a character within the displayed game space, rather than changing the perspective view of the entire game space. In particular, the present invention is directed toward moving a character within the displayed game space so that it changes its position within the displayed game space based on an amount and/or direction of tilt (claims 2 and 23), movement (claims 3 and 24) or impact (claims 4 and 25) applied to a housing held by a player. Fei’s change in perspective view of the entire game space fails to disclose these claimed features. Fei’s teaching of “moving the display 50” (see col. 5, lines 36-37 and abstract) does not disclose moving a character within a displayed game space so that it changes position relative to the displayed game space.


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**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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